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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,834	03/31/2000	Todd Siegel	00632649	9608

7590

12/12/2001

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EXAMINER

TAWFIK, SAMEH

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 12/12/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/539,834

Applicant(s)

SIEGEL ET AL.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001 and 12 October 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudsen (4,490,963) in view of Bouthiette^{1, 26c} (6,023,916).

Knudsen discloses a method of filling solid pharmaceutical product packaging comprising the steps of automatically (Fig. 1; via switches board) dispensing one or more solid pharmaceutical products (Fig. 1; via loading station 16) from a plurality of different drug sources (Figs. 4-6 and 12) into each cavity of a plurality of product package cavities (Figs. 1 and 12; via forming station 14); automatically and transferring the solid pharmaceuticals located in the product package cavities into a product package member (Fig. 1; via covering strip 4). Knudsen ^{9 Ph. 14a file of} failed to disclose that the product package template cavities corresponding to cavities of a product package member^{not}. However, Bouthiette discloses the product package template cavities (Fig. 9, 1" and 3) corresponding to cavities of a product package member (Fig. 9, 23 and 27) to ensure correct positioning of the covering sheet over the cavities (column 1, lines 59 and 60) and to make the process faster by avoiding the step of forming cavities on the strip (via forming station 14).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have modified Knudsen's method of filling solid pharmaceutical product

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packaging by having the product package template cavities corresponding to cavities of a product package member, as suggested by Bouthiette, in order to ensure correct positioning of the covering sheet over the cavities and to make the process faster by avoiding the step of forming cavities on the strip.

⁸ *clearly Automation*
Regarding claim ² Knudsen discloses that during the step of dispensing the solid pharmaceutical products (via lading station 16) simultaneously sealing another pharmaceutical product package (via sealing station 18) that has been previously filled with a variety of solid pharmaceuticals (Fig. 1).

^{9 10}
Regarding claims ³ and ⁴ Knudsen discloses a step of printing information on a pharmaceutical product package (via printing station 12).

^{11 12} *Further 916*
Regarding claims ⁵ and ⁶ Knudsen failed to disclose a step of dispensing first and second pharmaceuticals into a single template cavity. However, Bouthiette discloses the step of dispensing first and second pharmaceuticals into a single template cavity (Fig. 8) to be administered to a patient whenever the patient has to take the pills together at the same time (column 1, lines 18-22).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have modified Knudsen's method of filling solid pharmaceutical product packaging by having the step of dispensing first and second pharmaceuticals into a single template cavity, as suggested by Bouthiette, in order to be administered to a patient whenever the patient has to take the pills together at the same time.

Response to Arguments

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Applicant's arguments filed 10/12/2001 have been fully considered but they are not persuasive.

Applicants argue in page 2 of the argument that the references of record fail to either teach or suggest applicants claimed invention. The examiner believes that Knudsen in view of Bouthiette clearly discloses the claimed invention, as set forth in the action.

Applicants argue in page 3 of the argument that Bouthiette only teaches manual placement of one or more pills into each of the hollowed recesses. The examiner agrees with the applicants that Bouthiette only teaches manual placement of one or more pills into each of the hollowed recesses, but the examiner also believes that Knudsen clearly discloses an automatically dispensing one or more pharmaceutical products, see for example (Figs. 1-7).

Applicants also argue in page 3 of the arguments that Knudsen provides no teaching or suggestion regarding automatically filling a product package template. The examiner believes that Knudsen clearly teaching an automatically filling a product package template (Figs. 1, 4, 5, 6, 7, and 2), note that any work done by a machine considered to be automatic.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rada, Rinaldi can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST
December 5, 2001



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700